IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1971

NO. A-875

GARY RICHARD TIGERMAN,
Petitioner,
-vs-
UNITED STATES OF AMERICA,
Respondent.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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410 Douglas Building
Los Angeles, California 90012
Attorney for Petitioner

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Petitioner Tigerman raised a point in his Motion for Judgment of Acquittal [Clerk's Transcript, page 22] as follows:

> "16. The provision for denial of legal counsel at a meeting with the local board is contrary to the Fifth Amendment."

This court, in Weller v. United States,

remanded the case to the United States Court of Appeals for the Ninth Circuit and it, on May 11, 1972 hear oral argument and took the matter under submission.

Weller was a draft case, appealed by the government when the trial judge held that there was no statutory authority for the Selective Service System's regulation denying the right to counsel at a meeting of its registrant with the local board.

Since the conduct of petitioner Tigerman at his meeting with his local board is a chief basis used to reject his claim of conscientious objection our Petition was remiss in not emphasizing denial of counsel by a reference to *Weller* (our argument emphasized the denial of witnesses) putting it this way:

> "The young man was in a different posture: he was alone, forbidden counsel and even friends. The regulations forbid assistance of an attorney and, while not forbidding assistance of witnesses [32 C.F.R. § 1624.2 (b)] do encourage the board to think it can arbitrarily keep out witnesses." [Petition, p. 13-14]

Then, under the sub-head "B. Denial of Witnesses we used pages 25-34 to argue our Fifth Amendment point and emphasizing the witness denial.

It is suggested by your petitioner that disposition of his petition could well await the final outcome of *Weller*.

Respectfully,

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May 23, 1972